UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,869	03/04/2004	Hubert Jansen	06478.1500	5244
22852 7590 10/26/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP			EXAMINER	
			WIEST, PHILIP R	
901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ART UNIT	PAPER NUMBER
	,		3761	
	·	•		
			MAIL DATE	DELIVERY MODE
			10/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

, Ç	Application No.	Applicant(s)			
Advisory Action	10/791,869	JANSEN ET AL.			
Before the Filing of an Appeal Brief	Examiner	Art Unit			
	Phil Wiest	3761			
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence address			
THE REPLY FILED 17 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In 					
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).					
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee has been filed is the date for purposes of determining the period extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as self (bb) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce at earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL					
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS					
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);					
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or					
(d) They present additional claims without canceling a corresponding number of finally rejected claims.					
NOTE: <u>See Continuation Sheet.</u> (See 37 CFR 1. 4. The amendments are not in compliance with 37 CFR 1.		Compliant Amendment (PTOL -324)			
5. Applicant's reply has overcome the following rejection(s		,			
	6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling				
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to:					
Claim(s) rejected: <u>12-33</u> . Claim(s) withdrawn from consideration:					
AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).					
 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. 					
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:					
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. ☑ Other: See Continuation Sheet.					
13. 🖂 Other. See Continuation Sheet.	TATYANA ZA	LUKAEVA MARY EXAMINATO			

Continuation of 3. NOTE: Applicant's request for consideration is based on a proposed amendment, which has not been entered. The amendments to claims 12 and 31 and the addition of claim 34 change the scope of the claims, and therefore require a new search.

Continuation of 13. Other: Applicant's arguments are based on proposed amendments, which have not been entered.